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## Viewing cable 05SANJOSE2131, COSTA RICA TO ATTEMPT TWO-YEAR STOPGAP ACCORD ON

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### Understanding cables

Every cable message consists of three parts:

- The top box shows each cable's unique reference number, when and by whom it originally was sent, and what its initial classification was.
- The middle box contains the header information that is associated with the cable. It includes information about the receiver(s) as well as a general subject.
- The bottom box presents the body of the cable. The opening can contain a more specific subject, references to other cables ([browse by origin](#) to find them) or additional comment. This is followed by the main contents of the cable: a summary, a collection of specific topics and a comment section.

To understand the justification used for the classification of each cable, please use this [WikiSource](#) article as reference.

### Discussing cables

If you find meaningful or important information in a cable, please link directly to its unique reference number. Linking to a specific paragraph in the body of a cable is also possible by copying the appropriate link (to be found at the paragraph symbol). Please mark messages for social networking services like Twitter with the hash tags **#cablegate** and a hash containing the reference ID e.g. **#05SANJOSE2131**.

Reference ID	Created	Released	Classification	Origin
<a href="#">05SANJOSE2131</a>	<a href="#">2005-09-12 23:11</a>	<a href="#">2011-08-30 01:44</a>	<a href="#">CONFIDENTIAL</a>	<a href="#">Embassy San Jose</a>

Appears in these articles:

<http://www.nacion.com/2011-03-07/Investigacion/NotasDestacadas/Investigacion2704388.aspx>  
<http://www.nacion.com/2011-03-07/Investigacion/NotaPrincipal/Investigacion2704402.aspx>  
<http://www.nacion.com/2011-03-07/Investigacion/NotasSecundarias/Investigacion2704436.aspx>  
<http://www.nacion.com/2011-03-07/Investigacion/NotasSecundarias/Investigacion2705536.aspx>

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L SECTION 01 OF 02 SAN JOSE 002131

SIPDIS

E.O. 12958: DECL: 09/12/2015

TAGS: [PBTS](#) [PREL](#) [PINR](#) [ETRD](#) [CS](#) [NU](#)

SUBJECT: COSTA RICA TO ATTEMPT TWO-YEAR STOPGAP ACCORD ON  
BORDER DISPUTE WITH NICARAGUA

REF: SAN JOSE 1746

Classified By: Charge Russell Frisbie for reasons 1.4 (b) and (d)

Summary

1. (C) As the clock ticks down on a three-year "truce" on the San Juan River dispute between Costa Rica and Nicaragua, Foreign Minister Roberto Tovar on September 8 told Charge that he will propose a new two-year stopgap agreement. He said Costa Rica, however, will demand in the new agreement some limited navigational rights on the river that it has not been able to exercise under the current truce. President Pacheco, responding off the cuff to a reporter's question on August 30, said talks between the GOCR and GON had been fruitless and that the GOCR was no longer willing to "kick the ball down the road" (postpone dealing with the dispute). If the GOCR and GON do not reach an agreement, Costa Rica will file an application with the International Court of Justice by October 23. End summary.

Dispute calendar

2. (U) According to the GOCR, the current version of the San Juan River dispute began on July 15, 1998, when the Nicaraguan Army started to impede the movement of armed Costa Rican police on the river. This caused then-President of Costa Rica Miguel Angel Rodriguez to cancel a scheduled visit to Nicaragua. On March 8, 2000, Costa Rica and Nicaragua agreed to OAS mediation of the dispute, but it was clear after a month that there would be no accord. Anticipating

that Costa Rica would take the matter to the International Court of Justice (ICJ), then-President of Nicaragua Arnoldo Aleman filed a motion with the ICJ on October 23, 2001, claiming that the court lacked jurisdiction over the dispute. Costa Rica had one year to answer the motion or forfeit the case. After months of negotiations, Costa Rican Foreign Minister Roberto Tovar and Nicaraguan Foreign Minister Norman Caldera on September 26, 2002, signed a three-year truce by which the two sides agreed to delay discussion of the Nicaraguan motion and that Costa Rica would not attempt to bring the case to the ICJ.

#### Approaching deadline

13. (C) The current truce expires September 27, and, unless the GOCR and GON arrive at a new agreement, the GOCR has until October 23 to file an application with the ICJ challenging the GON's motion filed four years before. Foreign Minister Tovar told Charge September 8 that if Costa Rica were to fail to respond to Nicaragua's motion in the ICJ, Costa Rica would lose its rights. He said that the GOCR has already drafted its ICJ application and will file it if the GOCR and GON do not reach agreement by the October 23 deadline.

President lets slip that negotiations have been fruitless

14. (C) President Pacheco, responding to a reporter's question on August 30, let slip publicly what MFA advisers Sergio Ugalde and Arnoldo Brenes have been telling us privately and confidentially--that negotiations with GON have gone nowhere.

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The GOCR's goal was to get the GON to agree to arbitration of the San Juan River dispute by the ICJ or some other third party (reftel). The GON, however, refused and instead proposed an extension of the current truce, which is unacceptable to Costa Rica. President Pacheco reflected Costa Ricans' frustration when he told the press: "I thought it would have been possible for two friendly countries to reach an agreement with both yielding a little bit. But it was not to be." He added: "We need to solve this matter once and for all; we're not going to kick the ball down the road (postpone dealing with the dispute) which serves the interests of neither side."

#### Press commentary

15. (U) Since President Pacheco spoke out while negotiations were ongoing, he was criticized in the Costa Rican press for being "indiscreet" and "imprudent." Leading daily newspaper "La Nacion," in a September 1 editorial, accused both sides of carelessness in dealing with the San Juan issue: "Nicaragua's leaders, politicians, and other sectors treat (the dispute) according to their whims. And President Pacheco, without warning, has violated the elementary norms of maturity, prudence, and wisdom. Let's hope our Foreign Ministry can get us back on track for the sake of our national interest."

#### Tovar's two-year plan

16. (C) Having failed to persuade the GON to agree to arbitration, the GOCR, Tovar told Charge, will now attempt to negotiate a new two-year stopgap agreement. It is not merely kicking the ball down the road because, unlike in the existing truce, Costa Rica would insist on acknowledgment of some limited navigational rights on the river (presumably to include the transportation of armed Costa Rican police). Tovar believes such an agreement would save face for both sides and obviate threatened trade sanctions between the two countries. He said that an interruption in trade or an increase in tariffs would both be antithetical to CAFTA-DR and cause bankruptcy for some small- and medium-sized enterprises.

#### Comment

17. (C) Pacheco spoke out of turn but also truthfully. After three years of fruitless negotiations on the San Juan dispute, it is unrealistic to expect the next few weeks to be different. The GOCR is willing to bend, but only so far. No government, Costa Rican or Nicaraguan, can afford politically to "give away" the San Juan River. For the Costa Ricans, the dispute is more about saving face than any practical considerations. In fact, Tovar has told us he doesn't even care much whether an arbitrator rules for or against Costa Rica, only that the matter is finalized. The great virtue he sees in arbitration is that neither the GOCR nor the GON can be accused of giving away territory or the rights of its citizens; instead, the losing party can blame the arbitrator.

FRISBIE